

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. BAR-90-14

In re Application of )  
CLARENCE H. SPURLING )  
for Admission to the Bar )  
of the State of Maine )

OPINION AND ORDER

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DEC 12 1991

CLIFFORD, J., sitting as a Single Justice

SUPREME JUDICIAL COURT

This matter is before the court on the application of Clarence H. Spurling for admission to the Bar of the State of Maine pursuant to M. Bar R. 1(b). Spurling successfully passed the written examinations, *see* M. Bar Adm. R. 10, 11, but was denied admission by the Board of Bar Examiners after a hearing on the issue of his moral character. *See* M. Bar Adm. R. 9; *see also* 4 M.R.S.A. § 805-A (1989).

In 1984 Spurling was discharged from his position as a Probation and Parole officer with the Department of Corrections, Division of Probation and Parole for misconduct involving the sexual harassment of female coworkers. Following his discharge, Spurling moved to California and enrolled in an accelerated program at Southwestern University Law School in Los Angeles. He graduated in two years, second in his class of thirty-five, and passed the California bar examination. After a hearing before the State Bar of California, the subject of which was the past sexual harassment, Spurling was admitted to practice law in California. In California, he served as a prosecutor and later entered private practice. He returned to Maine to be closer to his son

from a prior marriage. He passed the Maine Bar examination in February 1990, but was denied admission by the Board of Bar Examiners after a hearing concerning the 1984 sexual harassment charges because the Board found that Spurling failed to produce satisfactory evidence of good moral character.

Spurling applied to the Supreme Judicial Court for admission. Following a hearing before a Single Justice, he was denied admission for failing to meet his burden of establishing good moral character. Spurling then appealed to the Law Court. Concluding that the Single Justice had relied on evidence not properly before him, the Law Court vacated the order denying admission and remanded the matter for a *de novo* hearing. That hearing was held before this court on December 3 and 4, 1991.

At the hearing, much of the testimony focused on Spurling's conduct during his employment with the Division of Probation and Parole. Although the atmosphere of the Probation and Parole office was informal and there was considerable sexual banter, much of it good natured, Spurling's conduct constituted sexual harassment of his female coworkers and was clearly inappropriate. His discharge was deserved.


Spurling admits to much of the conduct. There are some incidents that he testified he does not recall, but concedes they could have occurred. Still other incidents Spurling denies having taken place and his denials are at variance with some of the testimony of the witnesses. The focus of this court, however, is not on factual conclusions as to what specific incidents may have occurred in years past. More important is Spurling's present view

of the inappropriateness of sexual harassment. Although he did not recall some of the incidents and denied others, he acknowledges that all of the conduct testified to constitutes sexual harassment, is inappropriate, and cannot be condoned.

In all other respects, Spurling's record is unblemished. Moreover, he has been profoundly affected by his discharge. Since 1984, his record has been exemplary, and there is no evidence of any inappropriate conduct. In addition, he has earned academic honors in the law and has good credentials in its practice. This court is convinced that Clarence H. Spurling possesses the good moral character required for admission to the Maine Bar.

The application for admission to the bar is granted.

Dated: December 11, 1991



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Robert W. Clifford, Associate Justice

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